



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>DATE</b> May 6, 2005 <b>LOCAL EFFECTIVE DATE</b> May 21, 2005 <b>APPROX FINAL EFFECTIVE DATE</b> June 10, 2005	<b>CONTACT/PHONE</b> Tammy L. Seale Project Planner 805-781-1162	<b>APPLICANT</b> Jerry and Karen Ennis	<b>FILE NO.</b> DRC2004-00181
<b>SUBJECT</b> Request by Jerry and Karen Ennis for a Minor Use Permit/Coastal Development Permit to allow the construction of an addition to a 1,777 square-foot single-family residence and attached garage resulting in 993 square feet of footprint, 2,095 square feet of gross structural area, and 295 square feet of TDCs. The project will result in the disturbance of approximately 1,700 square feet of a 3,500 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1661 Newhall Avenue in the community of Cambria (Lodge Hill). The site is in the North Coast planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit/Coastal Development Permit DRC2004-00181 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 1 Categorical Exemption was issued on March 25, 2005 (ED04-431).			
<b>LAND USE CATEGORY</b> Residential Single-Family	<b>COMBINING DESIGNATION</b> Local Coastal Program, Terrestrial Habitat, and Archaeologically Sensitive	<b>ASSESSOR PARCEL NUMBER</b> 023,172,008	<b>SUPERVISOR DISTRICT</b> 2
<b>PLANNING AREA STANDARDS:</b> Setbacks, Height, Parking, Erosion Control, Footprint, and Gross Structural Area limitations <i>Does the project meet applicable Planning Area Standards? Yes - see discussion.</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Combining Designations: Archaeologically Sensitive Area, Local Coastal Program Area, Environmentally Sensitive Habitat/Terrestrial Habitat, Transfer of Development Credits (Cambria) <i>Does the project conform to the Land Use Ordinance Standards? Yes - see discussion.</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242</small>			

EXISTING USES: Single-family residence (2-story)	
SURROUNDING LAND USE CATEGORIES AND USES: North: RSF – Single Family Residence      East: RSF – Single Family Residence South: RSF – Single Family Residence      West: RSF – Single Family Residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to the following departments and agencies: North Coast Advisory Council, Department of Public Works, Cambria Community Services District, and the California Coastal Commission.	
TOPOGRAPHY: Moderately to gently sloping	VEGETATION: Grasses, forbs, Monterey pine (1) and fir trees
PROPOSED SERVICES: Water supply: Cambria Community Services District Sewage Disposal: Cambria Community Services District Fire Protection: Cambria Community Services District	ACCEPTANCE DATE: March 25, 2005

## DISCUSSION

### NORTH COAST AREA PLAN, LODGE HILL PLANNING AREA STANDARDS:

Lot Size: 3,500 square feet  
 Lot Type: Forested, Double  
 Oversized lot adjustment: none

Slope: 27 percent  
 Number of trees to be removed: 0  
 Base: 900 sq ft footprint, 1800 sq ft GSA

PROJECT REVIEW	ALLOWABLE	PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	900	966	OK w/TDCs
GSA (SQUARE FEET)	1800	2095	OK w/295 TDCs
DECKS (SQUARE FEET)			
PERVIOUS	270	267	OK
IMPERVIOUS	90	76	OK
HEIGHT (FEET)	28'	26'	OK
SETBACKS (FEET)			
FRONT	15'	15'	OK
REAR	10'	10'	OK
SIDE	5'	5'	OK
STREET SIDE	10'	n/a	n/a
PARKING (SPACES)	2 (1 covered)	2 (2 covered)	OK

As detailed in the table above, the project complies with the planning area standards for footprint, gross structural area, height, setbacks, and parking. As conditioned, the project complies with planning area standards for erosion and runoff control and landscaping. Site development will not negatively alter the drainage pattern onsite. Project conditions require the

applicant to submit drainage and landscaping plans for approval prior to issuance of a construction permit.

### **COASTAL ZONE LAND USE ORDINANCE (CZLUO) STANDARDS:**

This project complies with the CZLUO standards, specifically with the Transfer of Development Credits (TDC) Program for Cambria and the following Combining Designation Standards: Local Coastal Program Area, Archaeologically Sensitive Area, and Terrestrial Habitat.

#### *Terrestrial Habitat, CZLUO Section 23.07.176*

The existing use is a 2-story, 1,777 square foot single-family residence with an attached garage. A 30" diameter pine is at the rear of the property within ten (10) feet of proposed construction. The project does not include removal of the tree; however, the lower and upper floor additions of living space and deck are in the dripline of the Monterey pine. The project is conditioned to avoid impacts to the tree during construction and to provide a 1:1 replacement of the Monterey pine tree.

#### *Transfer of Development Credit (TDC) Program for Cambria*

Owners of 25' lots in Lodge Hill are eligible to purchase Transfer of Development Credits (TDCs) from the Land Conservancy of San Luis Obispo for transfers of allowable building area (expressed in square footage) from lots in special project areas of Lodge Hill. The applicant requests 295 square feet of footprint above the allowable gross structural area of 1,800 square feet. The project is conditioned to require the applicant to pay a fee to the Conservancy for the purchase of 295 square feet of TDCs, to execute appropriate contracts with the Conservancy, and to provide documentation to the County Department of Planning and Building. As conditioned, the project complies with the Transfer of Development Credit Program.

#### *Archaeologically Sensitive Area, CZLUO Section 23.07.104*

The project site is within a designated Archaeologically Sensitive Area. The existing use onsite is a 2-story single-family residence with an attached garage. Examination of existing records did not reveal any known resources onsite or adjacent to the site. The project will result in minimal site disturbance, and it is conditioned to protect archaeological resources in the unlikely event that they are unearthed or discovered during construction.

### **COASTAL PLAN POLICIES:**

This project complies with the Coastal Plan Policies; the most relevant policies follow.

Public Works: Policy 1  
Environmentally Sensitive Habitats: Policy 1  
Coastal Watersheds: Policies 7, 8, and 10  
Hazards: Policies 1 and 2  
Visual and Scenic Resources: Policy 7  
Archaeology: Policy 4

Shoreline Access: N/A  
Air Quality: N/A  
Recreation and Visitor Serving: N/A  
Terrestrial Environments: Policies 29 and 30

### **COASTAL PLAN POLICY DISCUSSION:**

#### ***Public Works:***

*Policy 1: Availability of Service Capacity applies to the project. The Cambria Community Services District (CCSD) serves the existing residence. The addition of living space will not increase the number of water fixtures.*

**Environmentally Sensitive Habitats**

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: *The proposed project is consistent with this policy because it will not significantly disrupt the habitat; tree removal is not proposed.*

**Terrestrial Environments**

Policy 29: Protection of Terrestrial Habitats: *The proposed project is consistent with this policy because not allowing an addition to a single-family residence or residential accessory uses (principally permitted uses in the Residential Single Family land use category) could potentially constitute a taking under the 5<sup>th</sup> Amendment of the US Constitution. Therefore, allowing a single-family residence or residential accessory use to be developed on the property is considered a reasonable use of the land (pursuant to Section 30010 of the Coastal Act).*

Policy 30: Protection of Native Vegetation: *The proposed project is consistent with this policy because tree removal will not occur and site disturbance will be minimized. The Monterey pine tree potentially impacted by construction activities will be replaced on a 1:1 basis.*

**Coastal Watersheds:**

Policy 7: Siting of new development: *The proposed project is consistent with this policy because the addition of living space and decks to an existing residence which is located on the most feasible location on an existing lot of record in the Residential Single Family category.*

Policy 8: Timing of new construction: *The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15, the project is required to have an erosion and sedimentation control plan, and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

Policy 10: Drainage Provisions: *The proposed project is consistent with this policy because the project is required to have a drainage plan that demonstrates how the construction of the new residence will not increase erosion or runoff.*

**Hazards:**

Policy 1: New Development: *The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.*

Policy 2: Erosion and Geologic Stability: *The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.*

**Visual and Scenic Resources:**

Policy 7: Preservation of Trees and Native Vegetation: *The location and design of the project will not remove any trees. Monterey pine trees potentially impacted by construction activities will be replaced on a 1:1 basis.*

**Archaeology:**

Policy 4: Preliminary Site Survey: *The parcel is in an archaeologically sensitive area. The proposed project is an addition to an existing house consisting of minimal ground disturbance. No known archaeological sites are within or adjacent to the project area. Therefore, a preliminary site survey was not required.*

**Does the project meet applicable Coastal Plan Policies?** Yes, as conditioned.

**COMMUNITY ADVISORY GROUP COMMENTS:**

The North Coast Advisory Council's Land Use Committee considered this project during its March meeting and did not have any comments.

**AGENCY REVIEW:**

Public Works: Recommend approval – no concerns.

Cambria Community Services District: Ok – no change in water fixtures.

California Coastal Commission: The Commission did not provide comments prior to the preparation of this report.

**LEGAL LOT STATUS:**

The existing two (2) lots were legally created by a recorded map at a time when that was a legal method of creating lots.

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class 1) pursuant to CEQA Guidelines Section 15301 because the project is an addition to a single-family residence that will not result in an increase of more than 50 percent of the floor area of the existing structure.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use, and as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use, because the proposed addition of living and garage space does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved, because the project is located on Newhall Avenue, a local road constructed to a level able to handle any additional traffic associated with the project, which would be negligible.

### *Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

### *Sensitive Resource Area*

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the proposed addition is designed to minimize site disturbance, and trees will not be removed.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the proposed addition is designed to minimize site disturbance and trees will not be removed.
- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant

adverse effects on the identified sensitive resources, because the proposed addition is designed to minimize site disturbance, and trees will not be removed.

- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because as conditioned, the project meets drainage and erosion control standards.
- L. There will be no significant negative impact to the identified sensitive habitat because the proposed addition is designed to minimize site disturbance, and trees will not be removed.
- M. The project will not significantly disrupt the habitat, because site disturbance will be minimized, and trees will not be removed.

*Archaeologically Sensitive Area*

- N. The project design and development incorporate adequate measures to ensure protection of significant archaeological resources because the project is an addition to an existing single-family residence with minimal site disturbance, and will not have a significant impact on archaeological resources.

*Transfer of Development Credits (TDCs)*

- O. Adequate instruments have been executed to assure that lot(s) to be retired will remain in permanent open space and that no development will occur because the applicant will provide verification that the retired lot(s) have been transferred to the Land Conservancy of San Luis Obispo County.
- P. The "receiver" site can accommodate the proposed scale and intensity of development without the need for a Variance (Section 23.01.045), exception to height limitations (Section 23.04.124b) or modification to parking standards (Section 23.04.162h), because, as conditioned, the project or use meets Coastal Zone Land Use Ordinance and Land Use Element requirements.
- Q. The circumstances of the transfer are consistent with the purpose and intent of the applicable planning area programs and standards regarding transfer of development credits.

*Public Works*

- R. Adequate public service capacities are available to serve the proposed development because the existing residence is served by the Cambria Community Services District and the proposed addition of living space does not include any new water fixtures.

## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes construction of an addition to a 1,777 square-foot single-family residence and attached garage resulting in 993 square feet of footprint, 2,095 square feet of gross structural area, and 295 square feet of TDCs.
2. All permits shall be consistent with the approved Site Plan, Floor Plans, and Elevations.

### **Conditions required to be completed at the time of application for construction permits**

#### ***Cambria Community Services District***

3. At the time of application for construction permits, the applicant shall provide a letter from the Cambria Community Services District stating that they are willing and able to service the property.

#### ***Site Development***

4. At the time of application for construction permits, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations, and landscape plan.
5. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

### **Conditions to be completed prior to issuance of a construction permit**

#### ***Fire Safety***

6. Prior to issuance of a construction permit, the applicant shall provide the County Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.

#### ***Grading, Drainage, Sedimentation and Erosion Control***

7. Prior to issuance of a construction permit, if grading is to occur during October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
8. Prior to issuance of a construction permit, the applicant shall submit a drainage plan for review and approval by the County Public Works Department. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site or passed on through an effective erosion control device or drainage system approved by the County Engineer.

#### ***Landscape Plan***

9. Prior to issuance of a construction permit, the applicant shall submit for Planning Director review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition,



non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.

***Transfer of Development Credits***

10. Prior to issuance of construction permits, provide written verification from the Land Conservancy of San Luis Obispo County that 295 square feet of Gross Structural Area has been transferred from a parcel within a special project area to the subject property.

***Tree Protection***

11. This permit does not authorize tree removal. Construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees may be impacted and which trees are to remain unharmed.

**Conditions to be completed during project construction**

***Archaeology***

12. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
  - A. Construction activities shall cease and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
  - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

***Building Height***

13. The maximum height of the project is twenty-six (26) feet from average natural grade.
  - A. Prior to any site disturbance, a licensed surveyor or civil engineer shall stake the lot and building corners, establish average natural grade and set a reference point (benchmark).
  - B. Prior to approval of the foundation inspection, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
  - C. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height, and the actual height of the structure. A licensed surveyor or civil engineer shall prepare this certification.

***Cambria Community Services District***

14. The owners shall provide the Cambria Community Services District with a copy of the county construction permit issued for this project.

***Grading, Drainage, Sedimentation, and Erosion Control***

15. Prior to any grading, all trees bordering the proposed project shall be marked for protection (e.g., with flagging) and their root zone fenced. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. The fencing shall remain installed until final inspection.
16. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
17. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
18. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
19. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
20. All areas disturbed by grading activities shall be re-vegetated with temporary or permanent erosion control devices in place.

***Tree Protection***

21. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.

**Conditions to be completed prior to final building inspection**

***Fire Safety***

22. Prior to final inspection, the applicant shall obtain final inspection and approval from the Cambria Fire Department of all required fire/life safety measures.

***Landscaping***

23. Prior to final inspection, landscaping in accordance with the approved landscaping plan shall be installed or bonded. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

***Miscellaneous***

24. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

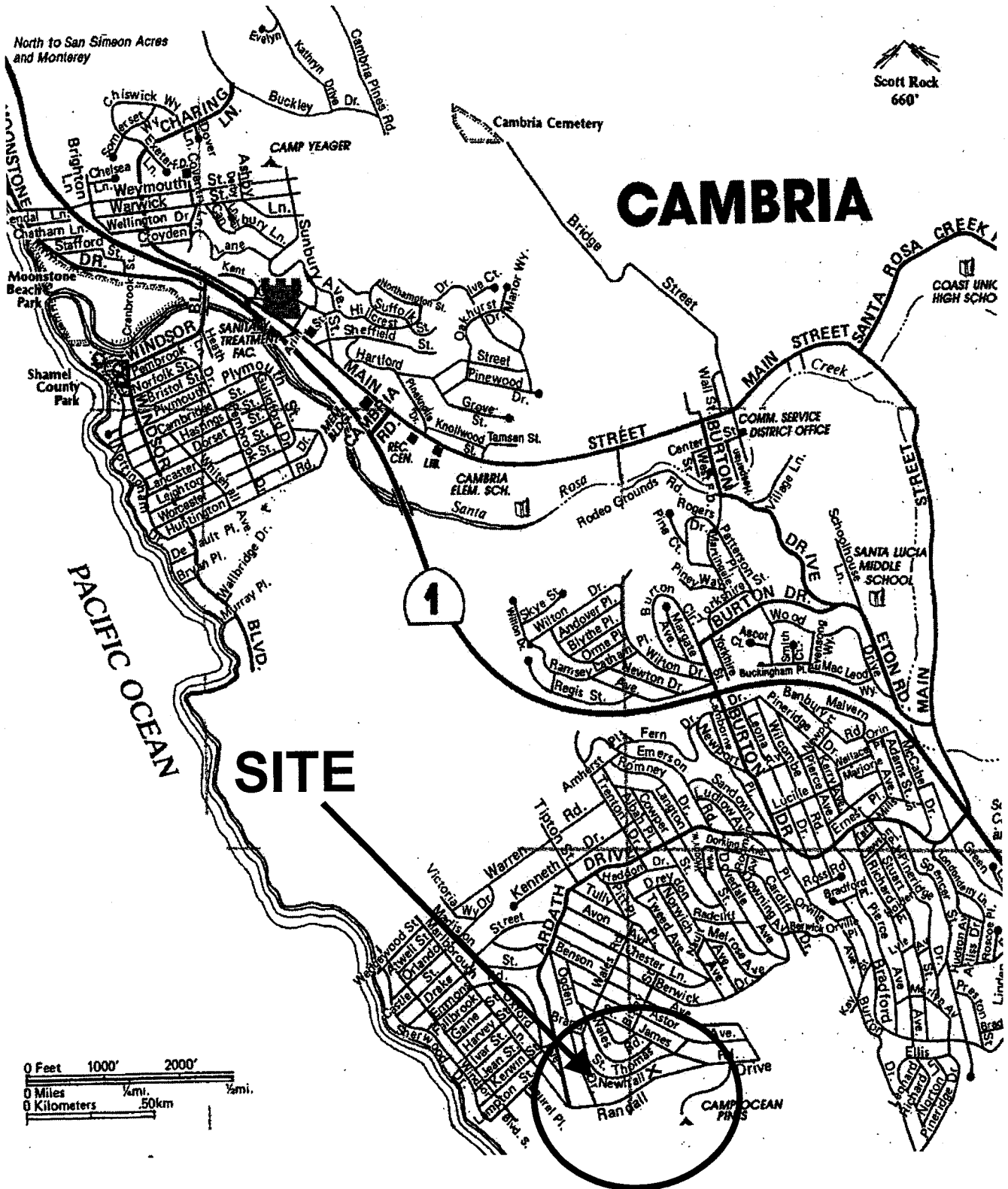
***Tree Protection***

25. Prior to final inspection, the one (1) Monterey pine tree located within 10 feet of disturbance and to be retained shall be replaced at a 1:1 ratio for pine trees. One (1) Monterey pine tree shall be planted. Monterey pine replacement trees shall be one-gallon saplings grown from the Cambrian stand *Pinus radiata macrocarpa*.

26. The newly planted tree shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding, and adequate watering (e.g., drip-irrigation). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Once the replacement tree has been planted, the applicant shall retain a qualified individual to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

**On-going conditions of approval (valid for the life of the project)**

27. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or if the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
28. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.



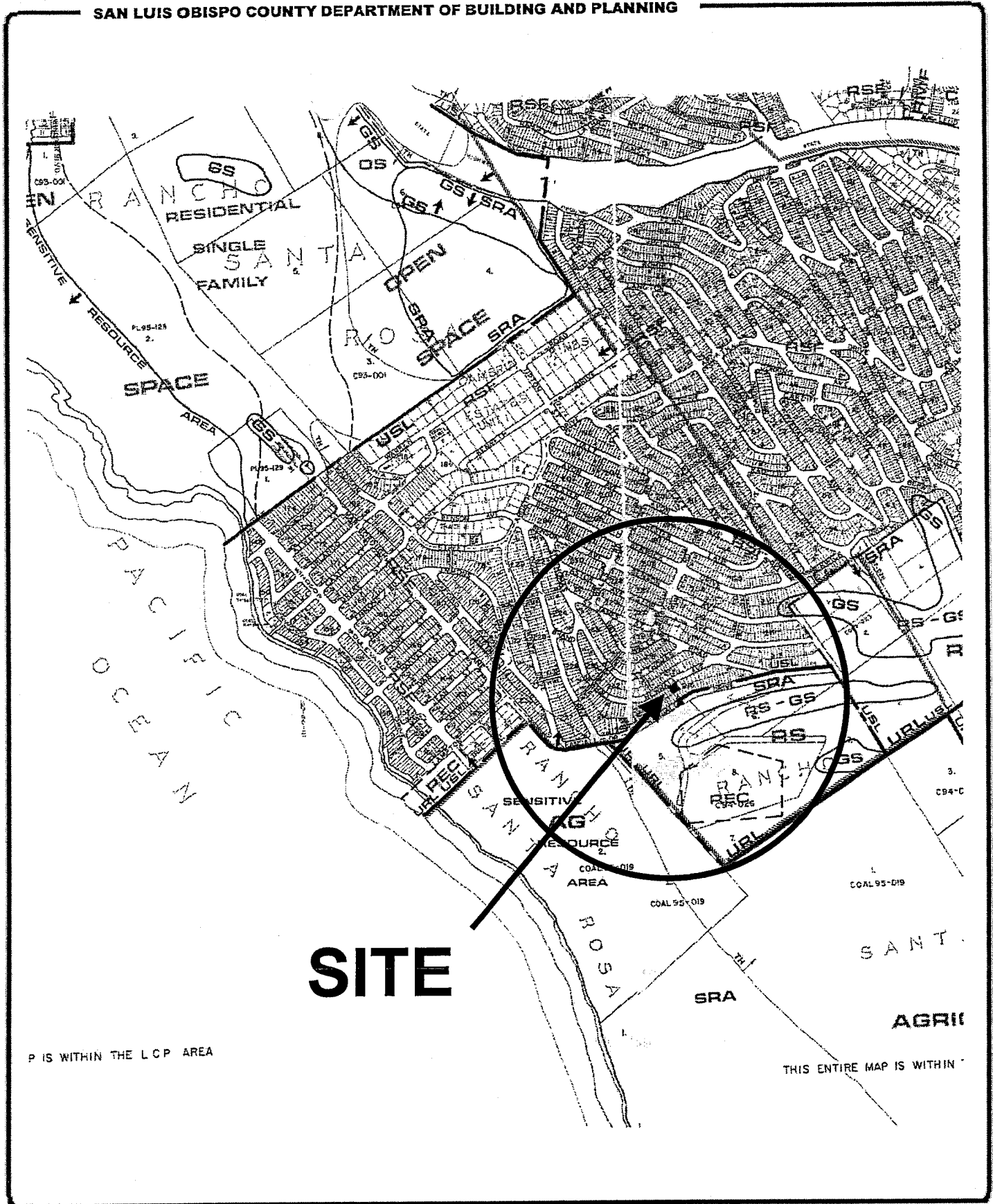
PROJECT

Minor Use Permit  
Ennis DRC2004-00181



EXHIBIT

Vicinity Map



PROJECT

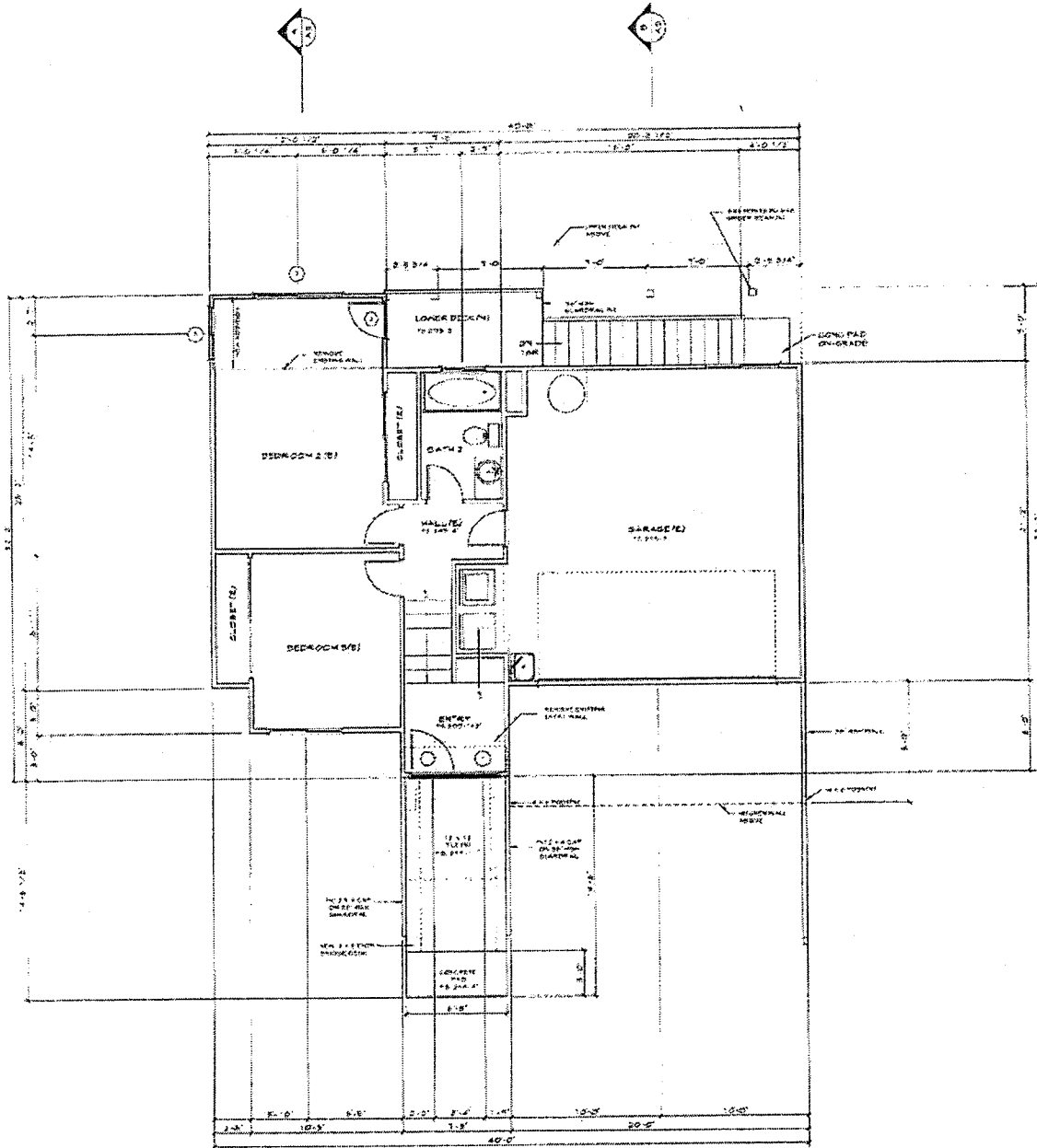
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EXHIBIT

Land Use Category Map





LEGEND  
 EXISTING WALLS  
 NEW WALLS  
 REMOVE WALLS

**LOW FLOOR PLAN**  
 SCALE 1/4" = 1'-0"

NOTES:  
 1) VERIFY ALL EXISTING DIMENSIONS  
 2) ALL EXISTING DIMENSIONS ARE EXISTING UNLESS NOTED OTHERWISE

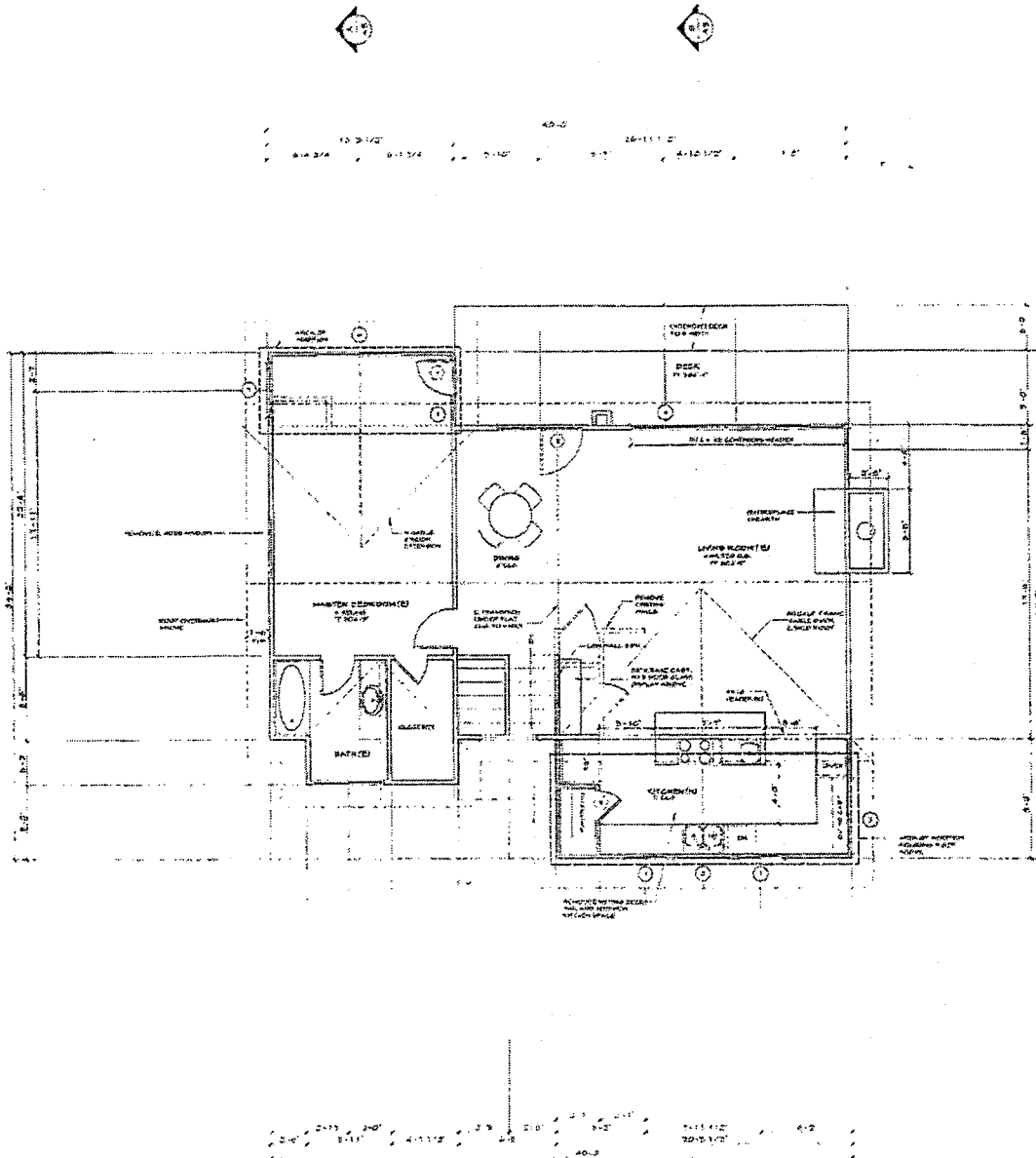
**PROJECT**

Minor Use Permit  
 Ennis DRC2004-00181



**EXHIBIT**

Lower Floor Plan



LEGEND

EXISTING WALLS  
NEW WALLS  
REMOVE WALLS

UPPER FLOOR PLAN  
SCALE 1/4" = 1'-0"

NOTES:  
1/ VERIFY ALL EXISTING DIMENSIONS  
2/ ALL DOORS & WINDOWS ARE EXISTING UNLESS NOTED OTHERWISE

PROJECT

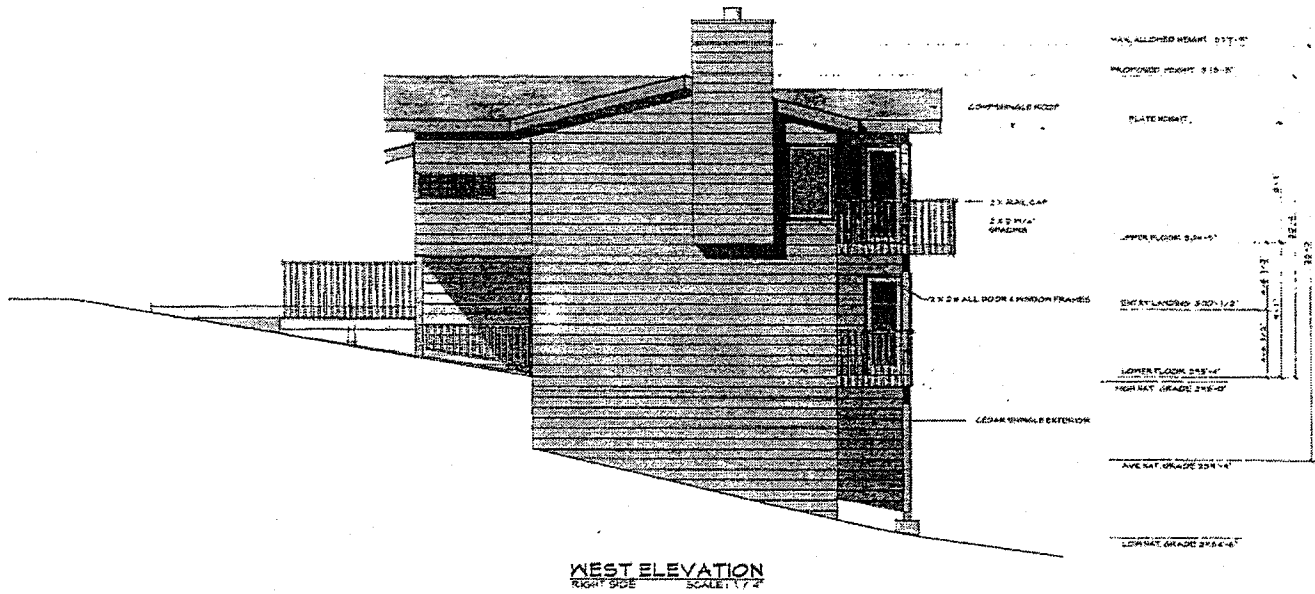
Minor Use Permit  
Ennis DRC2004-00181



EXHIBIT

Upper Floor Plan





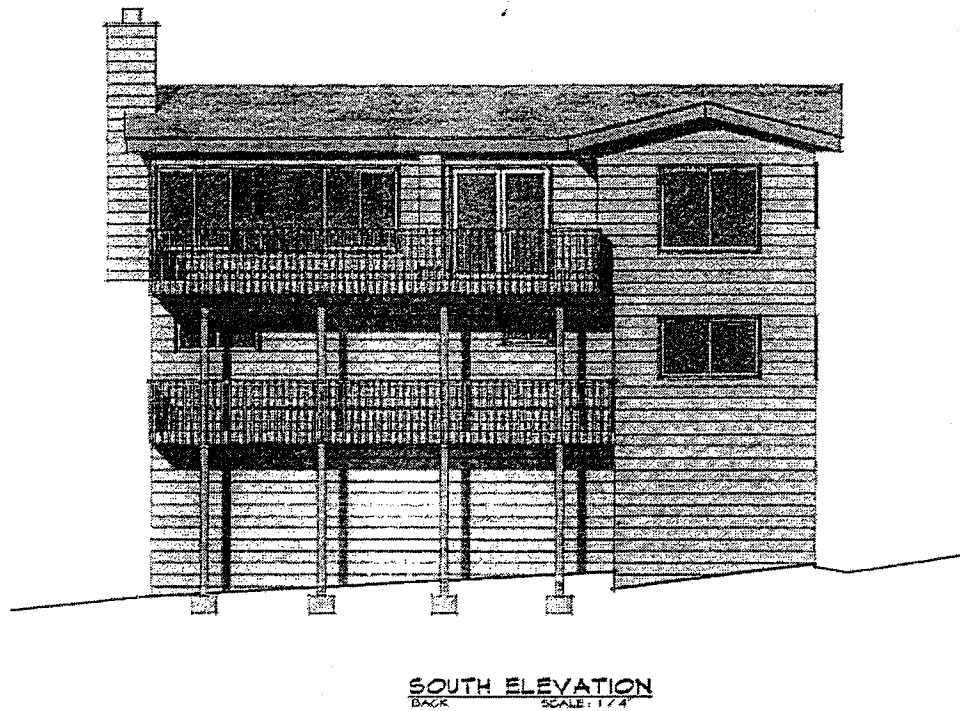
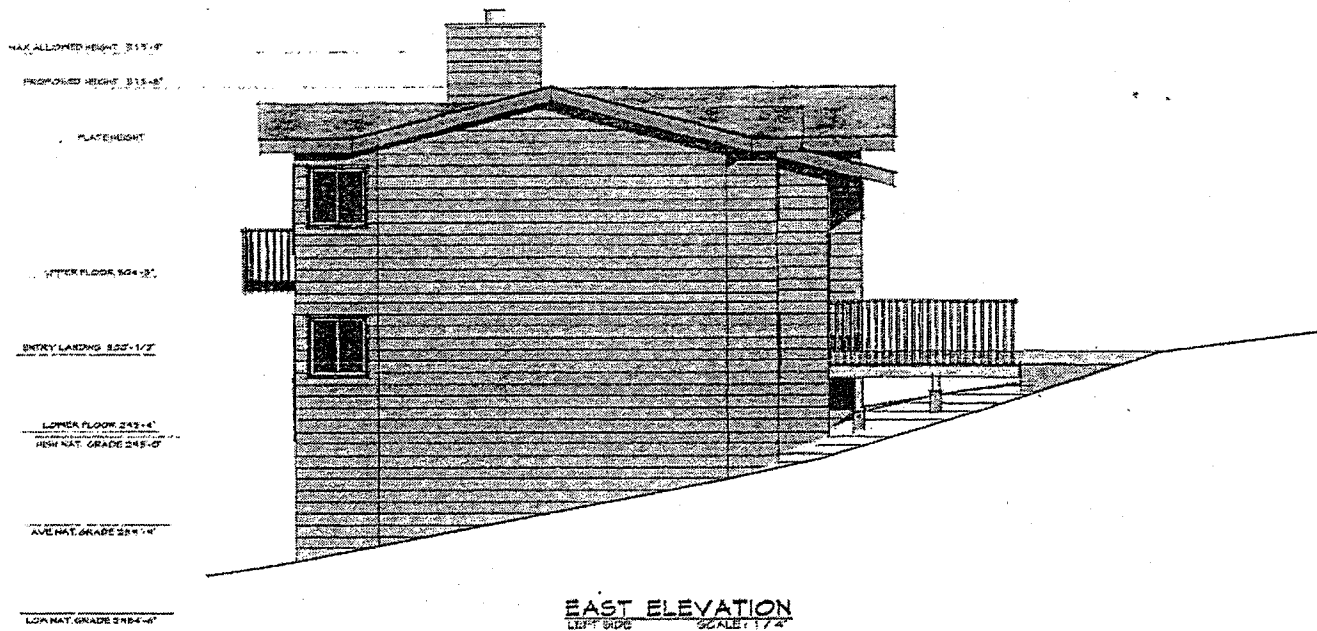
PROJECT

Minor Use Permit  
Ennis DRC2004-00181



EXHIBIT

West/North Elevations



**PROJECT**

Minor Use Permit  
Ennis DRC2004-00181



**EXHIBIT**

East/South Elevations



PROJECT

Minor Use Permit  
Ennis DRC2004-00181



EXHIBIT

Aerial Photo